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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 08/962,776 Confirmation No.: 9277  
Applicant : Roman SCHERTLER, et al.  
Filed : November 3, 1997  
TC/A.U. : 3726  
Examiner : M Q JIMENEZ  
Docket No. : 080310.40901CO  
Customer No. : 23911  
Title : Vacuum Process Apparatus

**LETTER**

Mail Stop Reissue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the action dated May 26, 2004, please find attached the executed Consent of Assignee and Supplemental Declaration forms to be filed herewith.

It would be appreciated if the undersigned were telephoned in the event there are any questions related to this submission.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080310.40901CO).

Respectfully submitted,

James F. McKeown

Registration No. 25,406

June 18, 2004

CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500



Attorney Docket #: 622/40901CO  
PATENT

### FOURTH SUPPLEMENTAL DECLARATION

As the below named inventor, I hereby declare that my citizenship, residence postal address and residence are as stated below; that I verily believe myself to be the original, first and sole inventor of the invention entitled:

### **A VACUUM PROCESS APPARATUS**

the specification of which was filed on September 19, 1995, in the parent application and included original U.S. Patent No. 5,245,736, issued September 21, 1993, and amendments thereto as required by 37 C.F.R. § 1.171 et seq.

I verily believe that, as provided in 37 C.F.R. § 1.175, as amended, the original U.S. Patent No. 5,245,736 is partly inoperative because I claimed less than I had a right to claim in the patent, in particular Claims 1 and 16 being insufficiently broad and Claims 30-3 being required to more comprehensively cover my invention.

All errors being corrected, including the Supplemental Response dated January 18, 2000, and the Second Supplemental Response dated February 14, 2000, in this reissue application up to the time of filing of this Fourth Supplemental Declaration arose without deceptive intent.

I continue to offer to surrender the original patent and/or provide an appropriate affidavit or declaration in the event the same is lost, upon the indication of allowability of the reissue patent application.

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application		Priority Claimed	
4117969	Germany	31 May 1991	Yes
Number	Country	Day/Month/Year	

823108

**Attorney Docket #: 622/40901CO  
PATENT**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

888,111  
(Appln. Serial No.)

May 26, 1992  
(Filing Date)

U.S.P. 5,245,736 for which  
this is reissue application  
(patented 9/21/93)

I hereby appoint as principal attorneys:

Martin Fleit, Reg. No. 16,900; Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; Jeffrey D. Sanok, Reg. No. 32,169; Richard R. Diefendorf, Reg. No. 32,390; and Paul A. Schnose, Reg. No. 39,361, to prosecute and transact all business in the Patent and Trademark Office connected with this application and any related United States and international applications. Please direct all communications to:

**Evenson, McKeown, Edwards & Lenahan**  
1200 G Street, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 628-8800  
Facsimile: (202) 628-8844

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**INVENTOR:**

Citizenship:

Postal Address/Residence:

June 14, 2004

Date

**Roman SCHERTLER**

Austrian

Lorenz Schertlerstrasse 18  
6922 Wolfurt, Austria

Roman Schertler  
Signature



Attorney Docket: 622/40901CO  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROMAN SCHERTLER

Serial No.: 08/962,776

Group Art Unit: 3726

Filed: NOVEMBER 3, 1997

Examiner: M. JIMENEZ

Title: A VACUUM PROCESS APPARATUS

CONSENT OF ASSIGNEE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Unaxis Balzers Aktiengesellschaft, a company organized under the laws of Lichtenstein, by name change from Balzers Aktiengesellschaft, as recorded at Reel 011356, Frame 0829, is Assignee of the entire right, title and interest to U.S. Letters Patent No. 5,245,736, as recorded at Reel 6185, Frame 0599 in the records of the U.S. Patent and Trademark Office, and has consented and continued to assent to the filing of the above-identified application and the subsequent amendments thereto.

Under the laws of Lichtenstein, the undersigned have authorization to act and sign on behalf of the Assignee of the above-identified assignee, Unaxis Balzers Aktiengesellschaft.

Respectfully submitted,



Erich Haefeli  
General Counsel, Legal Department  
Unaxis Balzers Aktiengesellschaft

June 14, 2004  
Date

14. JUNI 2004  
Date



Jörg Baur  
Manager, Patent Department  
Unaxis Balzers Aktiengesellschaft